

STATE BUILDING CODE INTERPRETATION NO. I-27-99

June 3, 1999

The following is offered in response to your letter in which you request a formal interpretation of Sections 106.5.1 of both the 1996 International Mechanical Code and the 1997 International Plumbing Code portions of the 1999 State Building Code.

Question: Since only the 1996 International Mechanical Code and the 1997 International Plumbing Code mention, at Section 106.5.1, the requirement to assess an additional fee equal to 100 percent of the required permit fee in the event that work is commenced prior to obtaining a permit, how is the building official to handle this situation when the work is governed by other portions of the 1999 State Building Code?

Answer: The Codes and Standards Committee and the State Building Inspector, in adopting those documents which comprise the 1999 State Building Code, made a conscious decision to adopt, with amendments, the administrative sections of all of the individual codes which make up the State Building Code. It was understood, at the time, that there would be differences between the codes which make them unique to the areas of work they cover. While it is true that only the International Mechanical Code and the International Plumbing Code portions of the State Building Code contain specific language as to the additional fee to be charged when work commences prior to obtaining a permit for work governed by those codes, other portions of the State Building Code do provide for this when work is governed by those codes.

Chapter One of the BOCA National Building Code/1996 portion of the code which provides administrative information for work performed under both the BOCA Code and the 1999 National Electrical Code contains the following information: 1) At section 116.4, the BOCA Code provides for a fine of not less than two hundred nor more than one thousand dollars to be imposed on any person who violates any provision of the code. Since the taking of a permit prior to starting the work is a requirement of the code set forth at section 107.1, failure to obtain a permit constitutes a violation of the code and a fine would therefore be applicable. 2) Section 112.2 provides for the payment of special fees prescribed by law or ordinance. A municipality could pass such a law or ordinance to provide for a special fee in the event of commencement of work prior to obtaining a permit.

Chapter One of the 1995 CABO One and Two Family Dwelling Code portion of the 1999 State Building Code which provides administrative information for work associated with Use Group R-4 one- and two-family dwellings and one-family townhouses contains the following information: Section 106.2 of the CABO Code provides for a fine of not less than two hundred nor more than one

thousand dollars to be imposed on any person who violates any provision of the code. Since the taking of a permit prior to starting the work is a requirement of the code set forth at section 111.1, failure to obtain a permit constitutes a violation of the code and a fine would therefore be applicable.

The important thing to remember is that all of the individual codes which are portions of the State Building Code are unique unto themselves and are to be applied only to that work which is being performed under said portion. It would be improper, for instance, to apply a requirement of the 1996 International Mechanical Code to heating or cooling work being performed on a Use Group R-4 single family residence which is governed by the mechanical information found in the CABO Code.